

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

SIAOSI VANISI,

Petitioner,

vs.

E.K. McDANIEL, *et al.*,

Respondents.

3:10-cv-0448-RLH-VPC

**ORDER**

This action is a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 by Siasoi Vanisi, a Nevada prisoner under sentence of death.

Vanisi has filed an application for leave to proceed *in forma pauperis* (docket #1). In light of the information provided with the application, the court will grant Vanisi *in forma pauperis* status.

Vanisi will not be required to pay the filing fee for this action.

In addition, Vanisi filed a motion for appointment of counsel (docket #2). Vanisi's application for leave to proceed *in forma pauperis* shows that he lacks the resources necessary to employ counsel for this capital habeas corpus action. Therefore, pursuant to 18 U.S.C. § 3599, and in the interests of justice, the Federal Public Defender for the District of Nevada (FPD) shall be appointed to represent Vanisi. If the FPD is unable to represent Vanisi, due to a conflict of interest or other reason, then alternate counsel will be located and appointed by the court. Vanisi's appointed

1 counsel will represent him in all subsequent proceedings, pursuant to 18 U.S.C. § 3599(e), unless  
2 and until allowed to withdraw.

3 **IT IS THEREFORE ORDERED** that petitioner's Application for Leave to Proceed  
4 *in Forma Pauperis* (docket #1) is **GRANTED**. The petitioner need not pay the filing fee for this  
5 action, and is granted *in forma pauperis* status with respect to subsequent fees and costs.

6 **IT IS FURTHER ORDERED** that petitioner's Motion for Appointment of Counsel  
7 (docket #2) is **GRANTED**. The Federal Public Defender for the District of Nevada is appointed to  
8 represent petitioner. The Federal Public Defender shall have **30 days** from the date of entry of this  
9 order to undertake representation of petitioner or to indicate to the court its inability to represent  
10 petitioner in these proceedings.

11 **IT IS FURTHER ORDERED** that the Clerk of the Court shall separately **FILE** the petition  
12 for writ of habeas corpus, which is now found in the record as an attachment to the Application for  
13 Leave to Proceed *in Forma Pauperis* (docket #1).

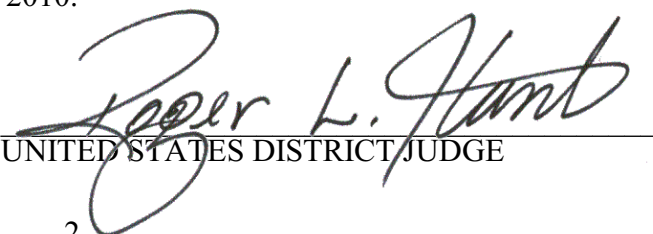
14 **IT IS FURTHER ORDERED** that the Clerk of the Court shall **SERVE** the respondents,  
15 by certified mail, with a copy of this order and a copy of the petition for writ of habeas corpus.

16 **IT IS FURTHER ORDERED** that respondents' counsel shall file a notice of appearance of  
17 counsel within **30 days** from the date of entry of this order. Respondents, however, need not respond  
18 to the habeas corpus petition unless and until the court orders otherwise.

19 **IT IS FURTHER ORDERED** that the Clerk of the Court shall **SERVE** a copy of this order  
20 on:

21 Michael Pescetta  
22 Office of the Federal Public Defender  
411 E. Bonneville Ave., Suite 250  
Las Vegas, NV 89101

23  
24 Dated this 5<sup>th</sup> day of August 2010.

25  
26   
UNITED STATES DISTRICT JUDGE  
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